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FRANKFORT, KENTUCKY, JANUARY 31, 1860.

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WILL practice in the Court of Appeals, Federal
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ATTORNEYS AT LAW,
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WILL practice Law in all the Courts in Frankfort
and the adjoining counties. Once on St. Clair's,
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Telegraph Office,
WILL practice in all the Courts held in Frankfort,
and in the adjoining counties. He will attend and
practice to the collection of debts in any part of the State.
All business committed to him will meet with prompt
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J. H. KINKEAD,
Attorney and Counsellor at Law,
GALLATIN, MISSOURI.
WILL practice in the Circuit and other Courts of
Law, and the Circuit Courts of the adjoining coun-
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next door to the Branch Bank of Kentucky, over G.
W. Craddock's office. Feb. 18, 1857—W. H. H.

S. D. MORRIS,
Attorney and Counselor at Law,
FRANKFORT, KY.
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W. Craddock's office. Feb. 18, 1857—W. H. H.

B. & J. MONROE,
ATTORNEYS AT LAW,
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WILL practice to the collection of debts in
central Kentucky; also, to the investigation of
titles to land in Kentucky, on behalf of non-residents
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WILL practice Law in the Court of Appeals, in the
Franklin Circuit Court, and all other State Courts
held in the State of Kentucky, and in the selection of
debtors for non-residents in any part of the State.

Always at home, every communication will have his
attention on the same day received, and will be promptly
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THE COMMONWEALTH.
FRANKFORT.

THOMAS M. GREEN, Editor.

TUESDAY, ::::::: JANUARY 31, 1860.

Our thanks are due to the press of Louisville, Columbus and Cincinnati, for the civility extended to us by them during the recent excursion. Their efforts to make the time of all their visiting brethren pass agreeably were untiring, and the courtesy and good fellowship which marked their attentions added much to the pleasure of our visit to their respective cities. To the officers of the steamer Jacob Strader, of the Frankfort and Louisville, Covington and Lexington, and Little Miami Railroads, we also express our acknowledgments for their politeness and public spirit.

THE BALL.—The Calico Ball to morrow night will be the first affair of the kind ever had in Kentucky, and the novelty of the thing has so delighted our charming bells that they intend to turn out in full force. We never knew more enthusiasm to be exhibited than now pervades them all. They will be more dangerous to-morrow night in *home* costumes than in all the fineness with which the manufacturers of France could supply them. Extensive preparations are being made, and it is confidently expected that the array of beauty and gallantry will be equal to any that has ever been assembled in this or any other State. We have an affection for calico, and cordially unite in the satisfaction which is expressed at the idea.

VALUATION OF MAINE.—The Bangor *Whig* says that the new State valuation will run up to about \$175,000,000—which is an increase of seventy-five per cent. in ten years. Very fair for a State generally considered among fast young men as a slow country to live in. Portland goes from seven to twenty-five millions. Bangor from \$3,900,000 to over \$6,000,000. Lewiston from \$580,000 to \$2,000,000. Cherryfield has gone up seventy per cent. Calais is about sixty per cent. in advance. The average is generally diffused, and all branches of industry share it. Some purely farming towns, Windham for instance, in Cumberland county, have more than doubled since 1850. One poor town in Washington county returns sheep at an average valuation of 55 cents! The Calais *Advertiser* asks if the assessors think to pull wool over the eyes of the State Committee at that rate?

OUR MISSISSIPPI VALLEY.—Is destined to become the garden of the world, but a dead weight on its population is the miasma which engenders bilious diseases all over it. Could an absolute antidote be found to the malaria which exhale from its marshes, it is impossible to over estimate the consequences to our prosperity. We congratulate our fellow citizens and fellow sufferers around us, on the announcement, important if true, that Dr. J. C. Aver, the celebrated medico Chemist of the East, has discovered just such an antidote—his “*Ague Cure*,” which is supplied at a price that can exclude no one from its benefits, and that is said to cure Fever and Ague and kindred diseases, to a moral certainty.—*Family Visitor*, Memphis.

KENTUCKY STATE AGRICULTURAL SOCIETY.—**The next State Fair.**—A meeting of the Board of Directors of the State Agricultural Society, will be held at Frankfort, on the 23d day of February, 1860, for the purpose, among other business, of receiving from the several local Societies in the State, propositions for holding with them the *Fifth Annual Kentucky State Fair*. Parties making propositions will please accompany them by statements of the extent of their grounds, the size and character of their buildings, fences, &c., and the nature of the public thoroughfares by which they are reached.

At this meeting, many public documents will be ready for distribution to members of the State Society, and also for delivery to officers of County or District Societies for distribution among their members.

L. J. BRADFORD, *Pres*.

COURT OF APPEALS.—MONDAY, Jan. 30, 1860.

CAUSES DECIDED.

P. Vanbusum v. Maloney, Henderson; affirmed.

M. D. Vanbusum v. Same, Henderson; affirmed.

Ashley v. Ashley, Henderson; reversed.

Gist v. Churchill, Union eq. and cr. et; affirmed.

Shaffer's ad'r v. Wilson's ex'r, Union eq. and cr. et; reversed.

Tyler v. Kentucky Coal Co., Union eq. cr. et; reversed.

Frazer v. Mayes et al., Graves; reversed.

Letton et ux v. Young et ux, Bourbon; reversed.

Stewart et al v. Clement, et al, Crittenden; affirmed.

Wilson v. McCrae et al., Fulton; reversed.

Malta v. Shields, Kenton; reversed.

ORDERS.

Middlewood v. Forman; Mason; petition for rehearing overruled.

Board v. Helm, Breckinridge; time extended until 60th day of present term to file petition for rehearing.

Pearl v. Chestnut, Laurel; same order.

Dale v. Craig, Hart; affidavit filed and warning order.

Smith's ex'r v. Phillips, Warren;

Lyon v. Pale's ex'r, Barren;

Beard v. Beard, Barren;

Payne v. Payne, Allen;—were submitted on briefs.

Fowler v. Cooper, Henderson; argued by H. H. for appellee and Dallam for appellant.

THE PECULIARITIES OF THE FEMALE CONSTITUTION.

IT is the peculiarities of the female constitution and the various trials to which the sex is subjected, demand an occasional recourse to stimulants. It is important, however, that these shall be of a harmless nature, and at the same time accomplish the desired end. Hostetter's Celebrated Stomach Bitters is the very article. Its effects in all cases of debility are almost magical. It restores the tone of the digestive organs, infuses fresh vitality into the whole system, and gives that cheerfulness to the temperament, which is the most valuable of feminine attractions. The proprietors feel flattered from the fact that many of the most prominent medical gentlemen in the Union have bestowed encomiums upon the Bitters, the virtues of which they have frequently tested and acknowledged. There are numerous counterfeits offered for sale, all of which are destitute of merit, and positively injurious to the system.

A couple of wild girls have been arrested in C—— for indulging in the amusement of breaking their neighbor's windows. They no doubt thought with Pope—“Tis woman's part to ease man of his panes.”

The Saturday *Press* gives as a recipe to become a great Broker—to break a little every three months.

S. A. CHASTAIN, *Chm.*

G. W. DANIEL, *Secy.*

Decision of the Court of Appeals.

(Reported expressly for the Commonwealth by JOHN M. BROWN, Attorney-at-Law, Frankfort, Ky.)

MATLAS
vs.
SHIELDS

From Kenton Circuit.

Shields purchased from one Phelps about nine acres in what is now the town of West Covington. In the year 1848, and after the purchase by Shields, the town of West Covington was in incorporation by act of the Legislature. (*See, Acts, vol. 2, p. 270.*) Shields refused to pay a tax regularly assessed by the authorities of the town, and brought his action against Matlas who coerced payment by levy upon personal property. Matlas justified as collector of tax for the town of West Covington. Upon this issue verdict was given for the plaintiff Shields, and the defendant has appealed.

Judge DUVALL delivered the opinion. It is questioned in this case whether the property was liable to taxation, by the municipal authorities under the act of incorporation. The power of the Legislature, under the Constitution, to pass the incorporating act is undisputed. It has not been attempted to show that the local government was useless or oppressive, or that the boundaries of the town were unnecessarily extended for the purpose of bringing within its limits property that was not of a nature to be benefited by the local government. Nor is any inequality of taxation or hardship alleged. The plaintiff relied on his right to exemption from the tax.

The court, at the plaintiff's instance, instructed that, if the jury believed from the evidence that the property was used at the time of the tax as a *farm* and not for *town purposes*, they should find for the plaintiff. The counsel for the appellee insists that such instruction was proper, and that as part of the nine acres was devoted to the production of fruits and vegetables, it was, properly speaking, a *farm* and not “devoted to town purposes.” Therefore it is contended that the Legislature had no power to subject such property to a town tax without the assent of the owners. In support of this view *Cheany v. Hooser*, 9 B. Mon., 330, is cited.

That case, however, is not in point. On the contrary it is there expressly decided that when a town has been built and peopled, the Legislature has the power to incorporate *without* the assent of the citizens, and necessarily to prescribe and define the limits of the municipal jurisdiction. This power and discretion is only limited by the discrimination to be made between what may be with reasonable plausibility called a tax, for which the objects of the tax may be considered a compensation, and that taking of private property for public use without any compensation.—

Exact equality or a palpable appropriation of the local tax to the benefit of others than the tax payers in order to limit the taxing power. Upon this principle it held, (15 B. Mon., 491,) that the act extending the limits of the city of Covington so as to include 167 acres belonging to Southgate was invalid. It was shown that the land in question was mostly appropriated to fields; that there were but few houses, and that the addition of the property was not necessary for the purposes of the city. The case was therefore properly considered as within the principle laid down in *Cheany v. Hooser*.

This gift consisted of a massive silver pitcher, salver, and two goblets, inscribed “Presented to Captain Z. M. Sherley by the excursionists of the States of Tennessee, Kentucky, and Indiana—From the moment we came aboard your beautiful steamer at Louisville until we landed at Cincinnati, we were the constant recipients of your kindness, and nothing was left undone to make our trip pleasant and agreeable.”

We desire to express our appreciation of your attention and kindness to us, however, in some thing more lasting than an ordinary tribute of words, and for that reason I am directed by your guests to present you some silver plate which has been procured for the occasion, with an inscription expressive of the sentiments of the donors. We trust you will remember, when looking on these beautiful presents, the friends whom you have so kindly served, the glorious object of their visit to Ohio, their warm and sincere devotion to the Constitution, and their fervent prayers for the preservation of the Union. Take them, then, as the gifts, free gifts of your fellow-citizens, and hand them down to your children as a tribute of our respect for your kindness and of our esteem for you as a gentle- man.

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HOSTETTER'S STOMACH BITTERS.

The proprietors and manufacturers of HOS-
TETTER'S CELEBRATED STOMACH BIT-
TERS can appeal with perfect confidence to
physicians and citizens generally of the United
States, because the article has attained a repu-
tation heretofore unknown. A few facts upon
this point will speak more powerfully than
volumes of bare assertion or blazoning puffery.
The consumption on Hostetter's Stomach Bitter
for the last year amounted to over a half
million bottles, and from its manifest steady
increase in times past, it is evident that during
the coming year the consumption will reach
near one million bottles. This immense amount
could never have been sold but for the rare
medicinal properties contained in the preparation,
and the sanction of the most prominent
physicians in those sections of the country
where the article is best known, who not only
recommend the Bitters to their patients, but
are ready at all times to give testimonials to its
efficiency in all cases of stomachical derangements
and the diseases resulting therefrom.

This is not a temporary popularity, obtained
by extraordinary efforts in the way of prom-
oting the qualities of the Bitters, but a solid
estimation of an invaluable medicine, which is
designed to be as enduring as time itself.

Hostetter's Stomach Bitters have proved
a Godsend to regions where fever and ague
and various other bilious complaints have
counted their victims by hundreds. To be
able to state confidently that the "Bitters"
are a certain cure for the Dyspepsia and like
diseases, is to the proprietors a source of un-
alloyed pleasure. It removes all morbid matter
from the stomach, purifies the blood, and
imparts renewed vitality to the nervous system,
giving it tone and energy indispensable
for the restoration of health. It operates upon
the stomach, liver, and other digestive organs,
mild y powerful, and soon restores them
to a condition essential to the healthy discharge
of the functions of nature.

Eldey persons may use the Bitters daily as
per directions on the bottle, and they will find
in it a stimulant peculiarly adapted to comfort
declining years, as it is pleasant to the palate,
invigorating to the bowels, excellent as a tonic,
and rejuvenating generally. We have the evi-
dence of thousands of aged men and women
who have experienced the benefit of using this
preparation while suffering from stomach
derangements and general debility; acting under
the advice of physicians, they have abandoned
all deleterious drugs and fairly tested the
merits of this article. A few words to the
gentler sex. There are certain periods when
their cares are so harassing that many of them
sink under the trial. The relation of moth-
er and child is so absorbingly tender, that the
mother, especially if she be young, is apt to
forget her own health in her extreme anxiety
for her infant. Should the period of maternity
arrive during the summer season, the wear
of body and mind is generally aggravated. Here
then, is a necessity for a stimulant to recuperate
the energies of the system, and enable the
mother to bear up under her exhausting trials
and responsibilities. Nursing mothers generally
prefer the Bitters to all other invigora-
tors that receive the endorsement of physi-
cians, because it is agreeable to the taste as
well as certain to give a permanent increase
of bodily strength.

All these persons, to whom we have partic-
ularly referred above, to wit: sufferers from
fever and ague, caused by malaria, diarrhoea,
dysentery, indigestion, loss of appetite, and
all diseases or derangements of the stomach,
superannuated invalids, persons of sedentary
occupation, and nursing mothers, will consult
their own physical welfare by giving to Hos-
tetter's Celebrated Stomach Bitters a trial.

CAUTION.—We caution the public against
using any of the many imitations or counter-
feits, but ask for HOSTETTER'S CELEBRATED
STOMACH BITTERS, and see that each bottle has
the words "Dr. J. Hostetter's Stomach Bitters"
blown on the side of the bottle, and stamped on
the metallic cap covering the cork, and
observe that our autograph signature is on the
label.

Prepared and sold by HOSTETTER &
SMITH, Pittsburgh, Pa., and sold by all
druggists, grocers, and dealers generally
throughout the United States, South Amer-
ica, and Germany.

For sale by all druggists in FRANKFORT.

December 9, 1858—1.

Proclamation by the Governor.

\$250 REWARD.

COMMONWEALTH OF KENTUCKY,
Executive Department.

WHEREAS, it has been made known to me that
WILLIAM THOMPSON charged with the murder
of John M. Harlan, a citizen of this state, and is
now at large.

Now, therefore, I, BERIAH MAGOFFIN, Governor
of the Commonwealth of Kentucky, do hereby
offer a reward of Two Hundred and Fifty Dollars
for the apprehension of said William Thompson and his
delivery to the Lector of Marion county within one year
from the date hereof.

IN TESTIMONY WHEREOF, I have
hereunto set my hand and caused the seal of
L. S. to be affixed, at Frankfort, this 14th day of Jan., A. D. 1859,
and in the 88th year of the Commonwealth.

By the Governor: B. MAGOFFIN.

Two B. MORSE Jr., Secretary of State.

By Jas. W. TATE, Assistant Secretary.

DESCRIPTION.

Thompson is 17 or 18 years of age; of slender build;
dark hair and eyes, eyes slightly drooping and rather
inclined to close; wears a slight moustache, barely
discoverable, and no other beard; and is a fair complexioned
youth of average size.

He is about 5 feet 6 inches high; weighs
150 or 160 pounds; has a regular shaven face; black
hair; black whiskers; a large scar on his
head; over his right eye, which extends nearly across his
forehead. He had on a black cloth coat; has a quick
step, and walks erect; is quick spoken; disposed to be
talkative; is a single man; about 22 years of age; and
lived in Logan county.

Proclamation by the Governor.

\$500 REWARD.

COMMONWEALTH OF KENTUCKY,
Executive Department.

WHEREAS, it has been made known to me that
AR-
CHIBALD RUTHERFORD, of Covington, died of
death for his master of A. M. Thompson, Esq., of Covington,
on the 13th day of Sept., 1858, did, on the 12th inst.,
escape from the county jail of Muhlenburg county,
and is now at large.

Now, therefore, I, BERIAH MAGOFFIN, Governor
of the Commonwealth of Kentucky, do hereby offer
a reward of Five Hundred Dollars for the apprehension
of said Archibald Rutherford, and his delivery to the
Lector of Marion county within one year
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IN TESTIMONY WHEREOF, I have
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L. S. to be affixed, at Frankfort, this 14th day of January, 1859,
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By the Governor: B. MAGOFFIN.

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